

## **MISSOURI BUDGET AND LEGISLATIVE AGENDA**

### **Missouri is a Safe, Healthy Place to Live and Work**

**“My goal continues to be to protect the most vulnerable Missourians and provide a continued investment that ensures a safe and healthy Missouri.”**

**Governor Bob Holden**

Governor Holden is committed to improving the health and safety of Missouri citizens. The Governor has repeatedly stated his commitment to protect those Missouri citizens who rely on vital government services and has taken significant action to make Missouri a safer place to live. Consistent with his accomplishments over the past two years, the Governor's Fiscal Year 2004 budget and legislative agenda provides additional means to protect Missourians.

In his first two years, Governor Holden accomplished the following to improve the state's investment in improving the health of Missourians and making our communities a safe place to live and work.

- Appointed the nation's first state Homeland Security Advisor. The Governor also created a Missouri Security Panel, composed of statewide elected officials, officials from state government, local law enforcement, private citizens, and other relevant officials. The panel assessed the readiness of the state and its communities to deter, prevent, and appropriately respond to acts of terrorism in Missouri.
- Initiated Homeland Security legislation to implement recommendations of the Missouri Security Panel and enhance the safety of Missouri citizens. The bill prohibits and penalizes criminal hoaxes, prohibits agroterrorism, directs the State Emergency Management Agency to activate volunteers during a broader range of disasters, permits the Missouri State Water Patrol to close dangerous waterways, outlaws hazardous materials near or in tunnels, and strengthens laws against assisting terrorists. Senate Bill 712 was signed into law July 1, 2002.
- Supported legislation to strengthen the state's driving while intoxicated laws. The legal limit for blood alcohol content was lowered to .08 and stronger penalties were established for repeat offenders. As a result, the diversion of \$8 million in federal highway funds was avoided, and Missouri will qualify for an estimated \$3 million in federal incentive funds. House Bill 302 was signed into law June 12, 2001.
- Called for legislation to provide comprehensive protection for women's health to improve the lives and life expectancies of women in Missouri. This important law provides Missouri women direct access to the health care providers most often visited for women's health issues, OB/GYNs, and grants women the opportunity to access critical contraceptive coverage. It also requires health plans to notify all enrollees about cancer screenings offered as benefits and expands Medicaid coverage to low-income women diagnosed with breast and cervical cancer. House Bill 762 was signed into law on June 21, 2001.
- Recommended legislation to ensure continued access to health care for Missouri children. The successful State Children's Health Insurance Program (SCHIP) offers health insurance coverage to uninsured children at a cost to the state of about \$250 per year per child. Results show that children in SCHIP have better school attendance and reduced emergency room visits. The General Assembly originally enacted legislation to expand health care coverage through SCHIP in 1998, but the program was time limited. Governor Holden called on the General Assembly to continue this program that provides vital health care for Missouri's children. House Bill 1926 was signed into law June 5, 2002.

- Created a statewide alert system, Alert Missouri, to notify media, law enforcement, and the public of child abductions. The plan is based on the AMBER Alert System, which is named after Amber Hagerman, a nine-year-old from Texas who was abducted and murdered in 1996. The plan links five state agencies, local law enforcement, and the Missouri Broadcasters Association and establishes a central point of contact to expand notification to areas around the state.
- Created a Domestic Violence Task Force by Executive Order to conduct an inventory of state funding dedicated to domestic violence, enhance public and private resources, investigate opportunities to expand prevention and intervention services, and develop a statewide action plan. In addition, the Governor signed into law House Bill 1814 in 2002, which implements recommendations made by the task force. The bill removes obstacles to obtaining and enforcing protection orders for victims of domestic violence or stalking, makes it easier for victims to go to court without having to interact with their abuser, and simplifies the procedure for enforcing a protection order from another state.
- Proposed legislation to better coordinate state services to victims by establishing an Office for Victims of Crime. Senate Bill 267 was signed into law July 2, 2001, and provides a central point of contact for crime victims in Missouri.
- Supported legislation to prevent criminals with outstanding warrants for their arrest from being released from jail. Jake's Law, House Bill 144, was signed into law May 31, 2001. The bill is named in memory of Jake Robel who died tragically in February 2000.
- Recommended legislation to provide relief to seniors for the high costs of prescription drugs. The bill establishes the Missouri Senior Rx Program to provide benefits to seniors who need assistance the most. House Bill 3 and Senate Bill 4 were signed into law October 5, 2001.
- Signed legislation to reorganize the former Division of Aging and Department of Health to form a new Department of Health and Senior Services. The bill also established a new State Board of Senior Services to advise the department about rules, regulations, budgeting, planning, and operations related to senior services. House Bill 603 was signed into law on June 26, 2001.
- Established a web site to help Missourians make informed choices about long-term care facilities. Missourians can go to [www.dhss.state.mo.us/showmelongtermcare](http://www.dhss.state.mo.us/showmelongtermcare) to find out information about a facility's latest inspection, including whether the facility had any violations and whether it corrected those violations.
- Proposed legislation to enhance regulation of long-term care insurance policies for seniors. Missouri's law that governs the sale of long-term care insurance allowed insurers to price long-term care policies cheaply and then compensate with large rate hikes as the person insured ages. This legislation requires insurers to price policies for the long run to avoid large rate hikes later. House Bill 1568 and Senate Bill 1009 were signed by the Governor in July 2002.
- Signed legislation to protect Missouri consumers from high interest rates and loss of property. New laws tighten regulations for payday and title loan companies and increase consumer protection measures. House Bill 738 and Senate Bill 186 were signed into law on July 12, 2001.
- Supported legislation to curb underage smoking by making it illegal for minors, under the age of 18, to possess tobacco products. House Bill 381 was signed into law on July 13, 2001.
- Recommended legislation to protect Missourians from sexual offenders by removing the statute of limitations for prosecution of forcible rape and forcible sodomy cases. House Bill 1037 and Senate Bill 650 were signed into law March 6, 2002.
- Signed crime-related legislation that prevents offenders convicted of certain sexual assault crimes from being released from prison during the appeals process. Senate Bill 969 was signed into law July 10, 2002.

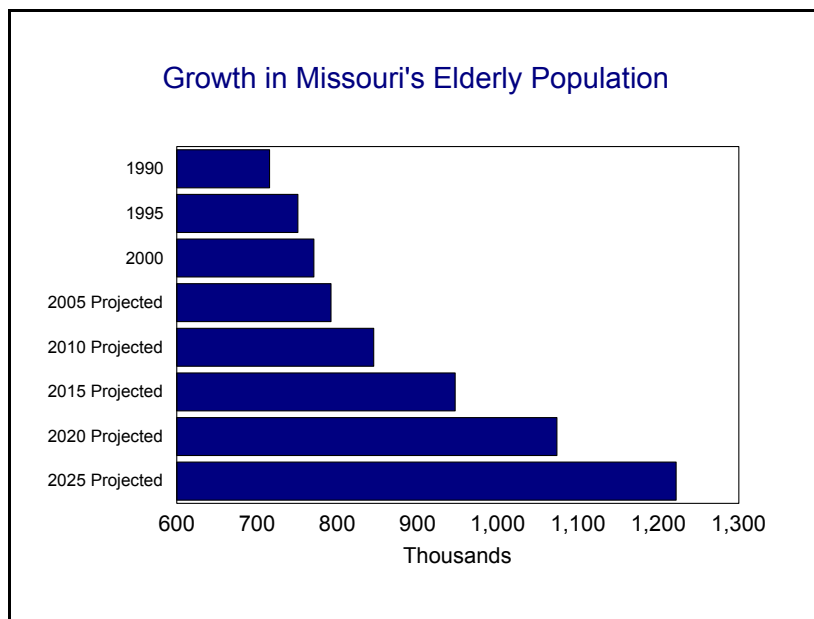
## SUPPORTING MISSOURI SENIORS

The number of Missouri seniors, those over 65, is rapidly increasing. Over 750,000 seniors now reside in the state, of whom 10 percent live in poverty. From 13.5 percent of Missouri's population in 2000, those 65 years and older will exceed 1.2 million by 2025 and will comprise almost 20 percent of the state's population. The goal to improve the quality of life for the elderly in Missouri continues to be a priority for Governor Holden. His Fiscal Year 2004 budget and legislative agenda contains initiatives to protect seniors residing in long-term care facilities and enhance the Missouri Senior Rx Program.

### Protections for Missouri Senior Citizens

Over 58,000 elderly and adults with disabilities currently reside in 1,185 licensed long-term care facilities. While most facilities annually meet state requirements for health and safety, there are a few facilities that continue to be in and out of compliance. During Fiscal Year 2002, 141 facilities were repeatedly issued notices of Class I non-compliance. The

homes were cited for putting residents in imminent danger where death or serious physical injury could result. In addition, 40 of the 488 Medicare-certified facilities in Missouri had findings of actual resident harm on at least two consecutive inspections. Complaints against institutions are up 34 percent. Most nursing homes in the state are providing good, quality care for their residents. Unfortunately, there are a few facilities that repeatedly put the lives of their elderly residents at risk. A St. Louis Post-Dispatch investigation recently found that thousands of America's nursing home residents are dying each year from preventable causes. Nursing homes that put their residents at risk often escape with little or no penalty. Some homes correct reported violations by the time the home is inspected by the state or they pass the second inspection by submitting plans for correcting a violation, only to be cited again for the same problem. Missouri law lacks the teeth necessary to punish those responsible for crimes committed against the elderly. Missouri should do all it can to protect its seniors.



## **2003 Legislative Initiative The Senior Care and Protection Act**

Missouri should take assertive steps to end its roller coaster system of enforcement. The Governor calls on the General Assembly to enact tougher standards on long-term care facilities and protect seniors wherever they may live by:

- Expanding the ability of the Department of Health and Senior Services to identify and bar persons who have abused, neglected, or financially exploited seniors from caring for the elderly in health care settings.
- Allowing the department to revoke a nursing facility license for the same reasons they would deny issuing a license in the first place.
- Enhancing the ability of the state to levy civil penalties against a nursing facility that is out of compliance with state regulations and then to collect those fines that are levied. Current law allows nursing homes to avoid civil penalties if problems cited have been corrected at the time the facility is re-inspected.
- Preventing negligent companies from other states from opening nursing homes or home health agencies in Missouri. Current law prevents consideration of an operator's history in another state before allowing them to do business in Missouri.
- Expanding the statute of limitations from 180 days to two years for nursing home residents to initiate a complaint regarding any violation of their rights under Missouri's nursing home statutes.
- Requiring long-term facility administrators to contact the county coroner immediately upon the death of any resident in a facility, including any resident who has been moved to a hospital. Current law does not require a death in a nursing home to be reported to the coroner.
- Rewarding nursing homes with good performance records that show consistent quality of care by reducing bureaucratic red tape.
- Requiring in-home service owners, operators, and employees to report suspected abuse or neglect of elderly or disabled adults.
- Mandating new employees of in-home services to have a background check prior to having contact with clients.
- Requiring all Medicaid providers to train employees on abuse and neglect identification, prevention, and reporting prior to unsupervised client contact.
- Extending current anti-retaliation protection that exists for most nursing home employees to workers employed by nursing home districts throughout Missouri.

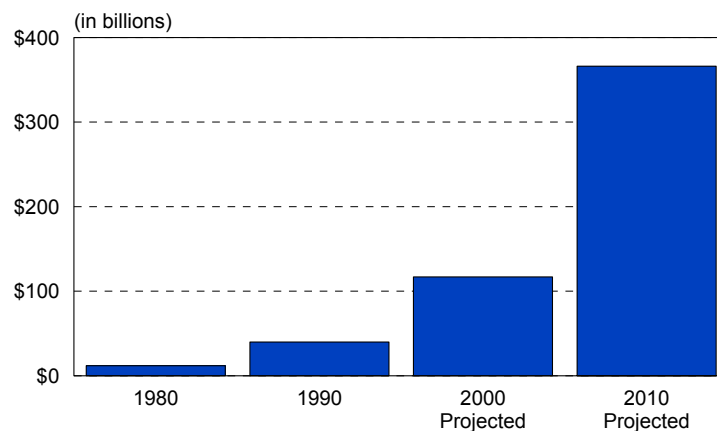
## Prescription Drug Relief

For too long, the affordability of prescription drugs for Missouri seniors has been a serious concern. Prescription drug coverage is still excluded from Medicare, and separate insurance to cover prescription drugs is very costly. Many seniors must make difficult choices about which of their prescriptions to forego, possibly leading to serious health care consequences.

In 2001 the General Assembly failed to pass the Governor's Prescription Drug Plan. The Governor called the General Assembly back for a special session to address this important

issue. They passed a plan Governor Holden signed into law, creating the Missouri Senior Rx Program, to provide benefits to seniors who need assistance the most. The legislation also established a commission to oversee the program which is chaired by Lt. Governor Joe Maxwell. The program began July 1, 2002, and is already serving about 22,000 seniors. Governor Holden supports this important program and continues to work to increase participation and expand the number of prescription drugs covered. The Governor's Fiscal Year 2004 budget includes \$29.8 million to ensure an estimated 40,100 seniors benefit from the Missouri Senior Rx Program.

### National Health Expenditures on Prescription Drugs



### 2003 Legislative Initiative Improving Access to Prescription Drugs

The Missouri Senior Rx Program has encountered some difficulty in enticing large generic drug manufacturers to participate in the program due to the current rebate required by the original law. Lowering the rebate amount will expand the availability of drugs covered through the program. To increase participation from generic prescription drug manufacturers, the Governor recommends changing the rebate amount paid by manufacturers of generic prescription drugs from 15 percent to 11 percent. This change will provide an incentive for large drug manufacturers to participate in Missouri's program and is consistent with the percentage used in the Medicaid Program.

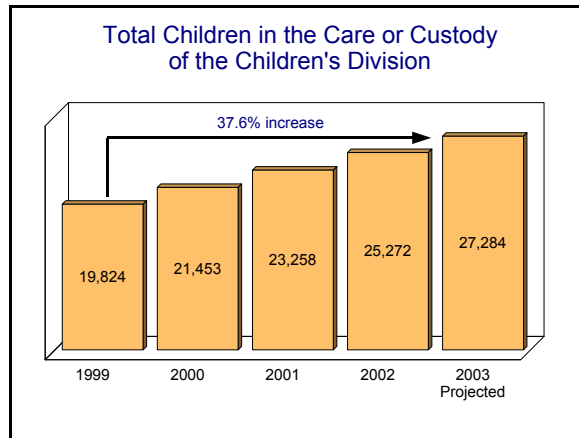
## PROTECTING MISSOURI'S MOST VULNERABLE CITIZENS

Every child in Missouri is entitled to a safe place to live. It is a right, not a privilege. Governor Holden is firmly and absolutely committed to protecting those rights for all of our children. Last year, the Governor initiated an investigation in the wake of the tragic death of two-year-old Dominic James who was residing in a foster home in Willard, Missouri. The investigation's report found Greene County's child welfare system broken and requiring immediate attention. The Governor proposes significant reform of Missouri's child welfare system. Reform efforts are already underway, but these changes will not take place overnight. Governor Holden will work with the General Assembly to put in place additional measures to protect Missouri's children.

### Steps Taken to Address Missouri's Child Welfare System Problems

Governor Holden has moved swiftly in addressing problems that have been identified with the current child welfare system. To date, the Governor has:

- Conducted an investigation into the Greene County child welfare system. The Governor appointed Richard C. Dunn and Judge Frank Conley in September 2002 to lead this effort. Their investigation was completed in November 2002.
- Established the Office of Child Welfare Ombudsman within the Office of Administration as recommended by the *Report of the Investigation of the Child Welfare System in Greene County*. The ombudsman will be responsible for independently promoting public awareness and understanding of the child welfare system; identifying system issues and responses for the Governor and the General Assembly to act upon; and monitoring compliance with state and federal law, rules, and policies pertaining to children's services. The ombudsman will submit an annual report, including recommendations, to the Governor and General Assembly by October 31 of each year. The Department of Social Services will allow the ombudsman to communicate with children in the state's custody, give access to all records and documents necessary in any investigation, and grant the office unrestricted access to the department's case management information system.
- Directed the Department of Social Services to implement other recommendations found in the *Report of the Investigation of the Child Welfare System in Greene County*.
- Protected funding for children in state custody from current year withholdings and Fiscal Year 2004 budget cuts.
- Proposed the creation of a Children's Division in the Department of Social Services. Reorganization of the department will increase the focus on child protection and streamline all functions dealing with children's services.
- Recommended the Department of Social Services explore opportunities to privatize child welfare services. Currently, \$22.9 million is dedicated to privatized services for children, including case management, family reunification, and intensive in-home services.
- Recommended legislation to make sure background checks against local orders of protection or crimes committed in other states are conducted on all foster parents.



### **Health and Safety Standards for all Children in Residential Facilities**

Allegations and investigations of children being mistreated in residential care facilities across the state have brought attention to the lack of any regulatory oversight of certain facilities. The basic health and safety standards required by state law for children in all day care facilities do not apply to some residential facilities that provide care for children on a 24-hour, seven-day-per-week, basis. This omission has created an attractive environment for any individual or group to establish an unregistered residential facility in the State of Missouri. Governor Holden believes that every child in a residential facility should be afforded assurances of health and safety.

#### **2003 Legislative Initiative Mandating Minimum Standards for Residential Facilities**

In order to provide for the health and safety of all children placed in any 24-hour care facility or boarding home, the Governor recommends that residential facilities, at a minimum, meet the same requirements as those mandated for similarly regulated facilities by:

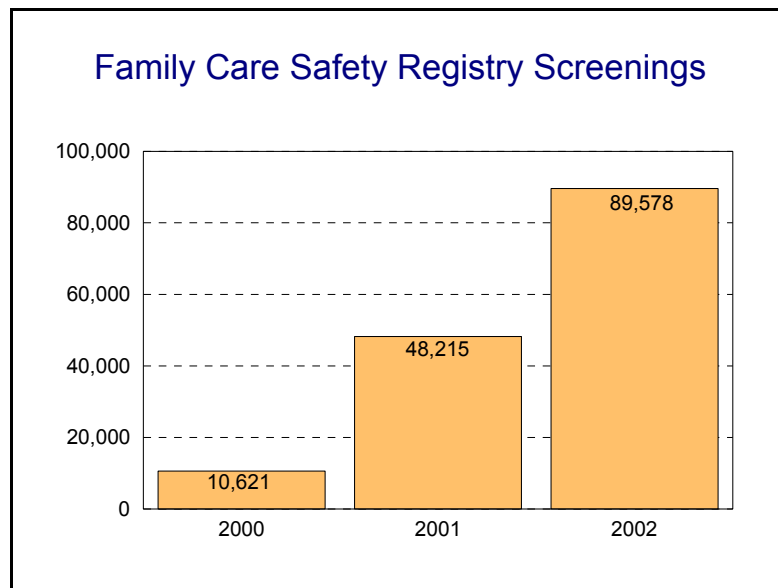
- Applying uniform health and safety standards for all facilities that provide care for children and youth on a 24-hour basis.
- Requiring all facilities providing 24-hour care for children to be registered with the state. Currently all license-exempt child care facilities must register with the Department of Health and Senior Services.
- Mandating all staff members undergo a background check, including a criminal history and a child abuse and neglect history check.
- Providing immediate injunctive relief if a child is harmed or at risk of being harmed at a 24-hour facility. This will allow for the suspension of the operation of the facility until it comes into compliance with health and safety standards.

## Background Checks

Missouri has various laws and programs used by direct care agencies, providers, and families to check the backgrounds of prospective caregivers. The Family Care Safety Registry (FCSR) was originally established in 1999. State law requires childcare, elder care, and personal care workers to register with the system. Families and employers may contact the registry to obtain background information on potential caregivers. The registry is successful and is the only protection available to many individuals hiring caregivers for children, the disabled, or the elderly.

Since its inception, over 150,000 caregivers have been registered. The registry continues to receive up to 2,000 requests for background screening information each week. However, the law governing the FCSR fails to provide

information on some crimes that employers and families should know about when checking criminal backgrounds of caregivers. For example, registered sexual offenders are not screened and could end up working in a nursing home or individual's home under the current system. In addition, separate background screenings must be conducted on many providers who are also required to register under the FCSR law. Currently other statutes and state regulations require screening for additional convictions not currently under the FCSR. What is required by state agencies should be consistent with what offenses are screened by the FCSR. Governor Holden supports legislation to improve the current system by increasing consistency among departments, extending and enhancing the existing FCSR law, reducing duplicative efforts, and providing additional consumer protection.





### **2003 Legislative Initiative Improving Background Check Laws**

To enhance and improve the background check system that protects Missouri's most vulnerable populations, the Governor calls on the General Assembly to:

- Remove the Family Care Safety Registry (FCSR) sunset, which will make the program permanent. The current program is set to expire on January 1, 2004. The program has been successful and has been used by thousands of families and employers around the state.
- Expand the crimes screened under the FCSR to include crimes considered open criminal records in Chapter 43 and registered sex offenders in Chapter 589 of state law. In addition to protecting those being cared for, this will eliminate the need for duplicate registrations and individual checks through the Highway Patrol.
- Require current and prospective foster parents to be checked against the federal criminal fingerprint database. This change would allow background checks on crimes committed in other states. Currently, only information on Missouri criminal records is obtained.
- Require the Department of Social Services to check all current and prospective foster parents for ex parte and/or full orders of protection. In the tragic case involving the death of a Greene County child while in foster care, it was found that the foster parent had a previous order of protection issued by a local court. An order of protection is an order issued by a court for the purpose of protecting an individual against harm from another specifically identified person.
- Require school district employees who come into contact with students to undergo a criminal history background check before being employed. Currently, teachers must have a background check when getting a certificate to teach. In recent months, the Highway Patrol has identified several registered sex offenders seeking employment at Missouri schools.
- Require school bus drivers to be checked against the federal criminal database. Currently, the Department of Revenue only obtains information on school bus drivers' Missouri criminal history. This creates a potential security risk to children transported to and from school or special events. The department has found that school bus driver permits have been issued to individuals convicted of serious crimes such as rape and murder in other states.

## **ENHANCING HEALTH CARE COVERAGE**

The health of Missourians depends not only on the availability of health care but its quality. Governor Holden has made significant progress in improving the quality of health care available to Missourians. The Governor recommends additional means to achieve mental health care insurance coverage, protect individual medical records, and fund the rising costs of state employee health care.

### **Mental Health Parity**

Approximately five percent of American adults have a serious mental illness. Medical research demonstrates that mental illnesses are biologically based and responsive to medical treatment. With treatment, many individuals can lead healthy, productive lives. However, despite the fact that treatment success rates for mental illnesses often exceed those of other chronic physical illnesses, insurance coverage continues to be more limited. Coverage imposes greater out-of-pocket expenses on patients and their families, creating barriers to treatment and recovery. The United States Surgeon General reports that: “concerns about the cost of care – concerns made worse by the disparity in insurance coverage for mental disorders in contrast to other illnesses – are among the foremost reasons why people do not seek needed mental health care.”

#### **2003 Legislative Initiative Achieving Parity for Mental Health Care Coverage**

Under current law, there are several exceptions to the requirement that health insurers who cover services for mental illnesses provide the same coverage as they do for other physical illnesses. Governor Holden supports measures aimed at increasing “parity” in insurance coverage between mental and physical health. Governor Holden supports legislation that:

- Requires health carriers that offer health benefit plans in Missouri to provide coverage for mental health conditions.
- Provides coverage for both outpatient and inpatient services.
- Provides health carriers to comply with parity coverage by January 1, 2004.

## **Privacy for Patient Medical Records**

The remarkable achievements that have been made in the medical and technological fields are forcing lawmakers throughout the country to rethink the issue of medical privacy so that all Missourians are protected. Technology has enabled rapid and easy access to vast amounts of digitized information. However, the computerization of large medical record databases and the growth of integrated managed care make it more challenging than ever to ensure that patient privacy is not violated.

Congress passed the Health Insurance Portability and Accountability Act (HIPAA) in 1996. HIPAA made many changes related to health care, including: protecting health insurance coverage for workers and their families when they change or lose their jobs; establishing standards for electronic health care transactions; and prohibiting the disclosure of employee health information by an employer. Over the past several years, state agencies have been working to achieve compliance with the federal act. However, the Act's medical privacy provisions apply primarily to health care providers and insurance companies. The Governor recommends legislation to ensure that all Missouri entities that have access to patient medical records keep that information private.

## **State Employee Health Care**

Health care costs continue to rise for all Missourians, including state employees. In Fiscal Year 2003, the General Assembly passed, and the Governor approved, an increase of more than \$21 million to help cover the rising costs of health care for state employees. Although the state employees' portion of health care costs have gone up, if the Governor had not approved this increased funding, employees would have experienced more significant increases. The Governor is recommending \$17 million in Fiscal Year 2004 to help cover the costs of health care for state employees and their families.

### **2003 Legislative Initiative Ensuring Medical Privacy**

Governor Holden proposes uniform disclosure and abuse prohibitions to provide patient protections without stifling important medical research or quality assurance efforts, including:

- Protecting medical records by a clear and comprehensive set of disclosure and abuse prohibitions to ensure that no business, insurance company, or government agency misuses a patient's private medical record.
- Ensuring that patients have a civil remedy for damages due to illegal use of private medical information.

## KEEPING MISSOURIANS SAFE IN THEIR COMMUNITIES

Governor Holden believes state government has an obligation to assist its citizens to live safely in their communities. The Governor's agenda for Fiscal Year 2004 includes initiatives to enhance Homeland Security efforts, assist victims of domestic violence, keep prisoners behind bars, provide additional tools to law enforcement, and support Missouri veterans.

### Homeland Security

The events that unfolded on September 11, 2001, were the deadliest attacks ever on American soil. Missourians grieved with the nation and united in support of each other and our great country. The tragic events of that day have made the entire nation more sensitive to personal, community, state, and national security concerns. In many respects, Missouri was the first state in the nation, outside of the states directly attacked, to respond to the events of September 11. Governor Holden was the first Governor to appoint a state-level Homeland Security Advisor. In October 2002, the Governor ordered the formation of a Missouri Security Panel to assess the readiness of the state and its communities to deter, prevent, and appropriately respond to acts of terrorism in Missouri. The panel is exploring the state's needs while creatively developing the most cost-effective ways to:

- Enhance communication between government agencies and the media, the business community, and the citizens of the state.
- Provide a short-term mechanism for leadership decisions. The panel has conducted a security audit to identify potential public and private targets and determine which facilities require additional precautions.
- Improve public safety around the state.

To continue the Governor's efforts to protect Missouri communities, the Governor's Fiscal Year 2004 budget includes:

- \$11 million to expand the Public Health Preparedness and Response for Bioterrorism and the Bioterrorism Hospital Preparedness grants. These federal funds will expand current activities aimed at readiness assessment, emergency preparedness planning, surveillance of disease and hazardous conditions, improved laboratory capacity, and the communication of risk levels and health information to the public.
- \$3.7 million federal funds to identify and adopt standards to manage state spatial data through a consolidated geographic information system operation. A central repository will be created for spatial data storage. Any feature that can be seen from the air or identified on a map can be plotted, allowing users to identify the infrastructure of schools, hospitals, power sources, or water supplies that could be vulnerable to security threats.
- \$1.8 million federal funds to continue the Business Continuity Program begun in Fiscal Year 2003. The program assesses the state's ability to conduct business in catastrophic conditions or in the case of severe infrastructure failures. A plan will be developed to provide continued State Data Center operations and the operation of various state agencies to bring the state to 100 percent preparedness.
- \$975,152 federal funds to support and secure National Guard facilities throughout the state.
- \$223,200 federal funds to develop a disaster recovery plan for the Highway Patrol's mainframe computer system, networks, and data files in the event of a man-made or natural disaster.

- \$214,701 federal funds to establish a State Information Security Office with responsibility for assessing security risks and establishing information security and cyber security policies, standards, and strategies. Computer services provided by the state have become an integral business function to all state agencies, and the information processed by these systems is now a major asset that must be protected and secured.
- \$104,899 for contract security personnel to safeguard vital assets in the state Capitol Complex in Jefferson City.

## **Domestic Violence Victims**

Domestic violence is a crime that affects thousands of women and children in our state. Governor Holden's administration has made significant efforts to highlight the issue and coordinate state efforts dedicated to providing services to victims of crime. Even in the face of significant revenue shortfalls, no current year withholdings or budget cuts have been made to domestic violence or other programs that provide services for victims. The Governor supports additional measures to increase the state's ability to prevent domestic violence, provide services to victims, and punish perpetrators. Governor Holden's Fiscal Year 2004 budget includes \$566,000 for maintenance of the state's new automated victim notification system to inform crime victims and their local communities of the status of offenders.

### **2003 Legislative Initiative Improving Services to Victims of Domestic Abuse**

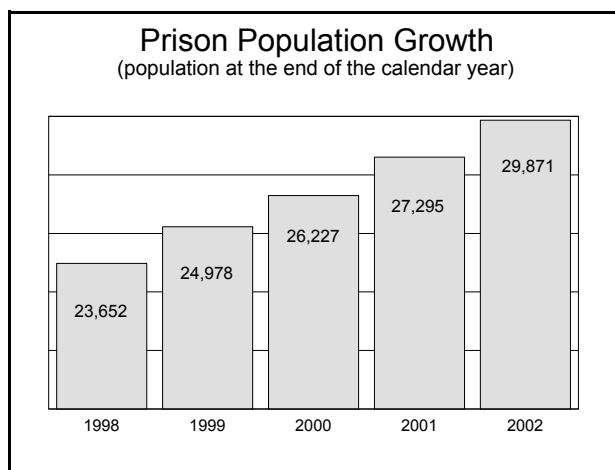
Domestic violence is a crime that impacts all aspects of a community with devastating consequences for the primary victims, women and their children. To enhance services to victims at the local level and strengthen domestic violence laws, the Governor recommends:

- Extending the time frame available to allow counties that did not generate higher court and license fees before an existing law ended to do so. This money is used to fund domestic violence shelters at the local level. Many rural areas have not yet passed this additional means of support but have expressed interest in doing so.
- Expanding the existing State Services to Victims grant program to allow recipients greater budget flexibility. This is the only victim services grant administered by the state that denies recipient agencies the flexibility to redirect existing funding upon the receipt of a state grant. Not-for-profit recipients of State Services to Victims grants would no longer be restricted in their use of agency funds merely because they receive a state grant.
- Enacting the federal Uniform Child Custody Jurisdiction and Enforcement Act. This model federal act strengthens Missouri law and will protect women who are trying to escape attackers, and who take their children with them, from being prosecuted for parental kidnapping. The Act has already been passed by 26 states.

## Protection from Dangerous and Violent Criminals

Missouri law contains some of the toughest anti-crime provisions in the country. As a result, Missouri now requires dangerous, violent criminals to serve longer sentences than ever before. These “get tough” provisions have resulted in safer Missouri communities and a rapidly expanding prison population. During the last eight calendar years, Missouri’s inmate population has grown by 11,272 inmates or 3.9 inmates per day. In Fiscal Year 2004, the average daily inmate population is projected to be 31,484. The Governor will meet the public’s demand for protection from dangerous and violent criminals. The Fiscal Year 2004 budget includes:

- \$36.4 million dollars to complete the openings of the Eastern Reception and Diagnostic Correctional Center in Bonne Terre and the Southeast Missouri Correctional Center in Charleston. Funding will also maintain current interim housing at Algoa Correctional Center, Fulton Diagnostic and Reception Center, and Western Missouri Correctional Center (Cameron).
- \$13.1 million dollars to complete the opening of the new Jefferson City Correctional Center, accept the transfer of inmates and staff from the Missouri State Penitentiary, and close the Missouri State Penitentiary.



## Bail Bond Agent Regulation

Missouri’s bail bond law is out of date. The law was enacted twenty years ago and is not consistent with how the bail bond industry operates today. There have been abuses by bail bond agents relating to appropriation of money, the apprehension and surrender of bailees, and the lack of statutory authority over bounty hunters (surety recovery agents). In June 2002, a Kansas City man was mistakenly killed by bounty hunters.

Bail bond agents may do recovery work themselves or they may hire others to assist them. With no licensing or training requirements, recovery agents and bail bond agents are acting like police officers when they apprehend a bailee. Police officers are required to undergo extensive training related to apprehending suspects. Bail bond licensees should be required to attend minimum training in the areas of apprehension, civil liability, safety of innocent bystanders, surrendering bailees, constitutional law, and weapons training.

Additionally, bail bond agents have access to large amounts of money from consumers of bail services. There are no record keeping requirements under current law. The director of the Department of Insurance may refuse a bail bond license or discipline a bail bond license, only if the applicant or licensee has a felony conviction. There are many licensees who have, or have subsequently received, misdemeanor convictions for assault, drug offenses, firearm violations, and other crimes. The state should have authority to protect citizens from potential harm by denying or revoking a bail bond or surety recovery agent license. To address this public safety issue, the Governor supports strengthening Missouri’s bail bond law.

**2003 Legislative Initiative  
Improving Regulation of the Bail Bond Industry**

In order to protect Missourians and better regulate bail bond and surety recovery agents, Governor Holden recommends:

- Licensing surety recovery agents and requiring them, and bail bond agents, to have training in law enforcement techniques.
- Strengthening the bail bond law to require extensive record keeping and review so consumers of bail services get what they bargain for and get the return of their collateral, when appropriate.
- Amending current law to permit the director of the Department of Insurance to refuse or discipline a license on the basis of a conviction, or crime involving moral turpitude, even when the sentence is suspended.

## Public Safety Enhancements

The state also helps ensure public safety through prevention and treatment of substance abuse, treatment of persons whose mental disabilities make them dangerous to themselves or others, and custody of individuals judged to be sexually violent predators. Governor Holden's Fiscal Year 2004 recommendations include:

- \$3 million federal funds for the Department of Mental Health to develop an integrated community-based system of care for children with severe behavioral disorders. Funding will also expand local mental health services available to the non-violent offenders with serious mental illness through the Jail Diversion Program.
- \$1.4 million to expand the treatment program for sexually violent predators at the Southeast Missouri Mental Health Center. In Fiscal Year 2004, the department expects the number of persons detained or committed to the program by the courts to reach approximately 94, up from 67 at the end of December 2002.
- \$1.3 million federal funds to provide psychiatric treatment in safe and secure environments for Missourians with mental disabilities.

## Additional Crime Fighting Tools for Law Enforcement

While Missouri has made major strides in reducing crime, it remains a problem. Governor Holden is committed to making sure the state meets its fundamental obligation to protect citizens from criminals. The Governor recommends the following Fiscal Year 2004 budget initiatives to equip law enforcement agencies:

- \$10.4 million federal funds for computer-aided dispatching enhancements and to improve the availability of criminal history information to state and local criminal justice agencies.

- \$235,664 to enhance state and local efforts to curb underage drinking and encourage responsible practices among businesses that sell liquor.
- \$210,000 to improve the forensic science services provided by the state's crime labs and medical examiners.
- \$200,000 to replace Highway Patrol Crime Lab equipment used in drug chemistry and toxicology analysis.
- \$125,000 for federal local law enforcement block grants to assist local law enforcement agencies.

## State Highway Safety Consolidation

Missouri's lack of adequate transportation funding challenges us to find better, more efficient ways to manage available funds. The Missouri Constitution delineates the purposes for which highway funds may be used. While Governor Holden supports the use of highway funds for these purposes, he wants these funds to be used judiciously. In 2002, the Governor ordered the consolidation of motor carrier functions into the Department of Transportation. This consolidation helped streamline operations and improve the system for motor carriers overall. Administrative savings will be realized when the consolidation is fully implemented, leaving more highway funds available for road construction and maintenance work. In another effort to consolidate similar functions and streamline government operations, the Governor recommends transferring the Division of Highway Safety from the Department of Public Safety to the Department of Transportation. This transfer will:

- Result in administrative savings of over \$137,000 and nine staff, freeing up those funds to be used for highway construction.
- Improve coordination on highway safety issues which should enhance motorist safety.
- Facilitate accountability for state highway fund expenditures by reducing the number of highway fund appropriations in agencies other than the Department of Transportation.



## **Missouri Protectors**

Missourians have served with distinction in the armed forces of the United States, placing their lives at risk in order to preserve our freedom. Governor Holden recognizes the special debt owed to these guardians of liberty. The Fiscal Year 2004 budget includes additional resources to expand services provided by the Missouri Veterans' Commission, including:

- \$4.3 million veterans' home fund for resident care services in the St. Louis Veterans' Home.
- \$3.2 million veterans' home fund for resident care services in the Mt. Vernon Veterans' Home.
- \$952,225 veterans' home fund for pharmaceuticals and related services.
- \$111,034 veteran's trust fund for the new veterans' cemetery in Bloomfield.
- \$89,934 veteran's trust fund for the new veterans' cemetery in Jacksonville.